

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:)	
)	Chapter 11
)	
Biora Therapeutics, Inc., ¹)	Case No. 24- 12849 (BLS)
)	
Debtor.)	
)	

**NOTICE OF AGENDA OF MATTERS SCHEDULED FOR HEARING ON
FEBRUARY 25, 2025, AT 1:30 P.M. (ET), BEFORE THE HONORABLE BRENDAN
L. SHANNON, AT THE UNITED STATES BANKRUPTCY COURT FOR THE
DISTRICT OF DELAWARE, 824 NORTH MARKET STREET, 6TH FLOOR,
COURTROOM NO. 1, WILMINGTON, DELAWARE 19801**

This hearing will be conducted in person. All parties, including witnesses, are expected to attend in person unless permitted to appear via Zoom. Please refer to Judge Shannon's Chambers Procedures (<https://www.deb.uscourts.gov/content/judge-brendan-l-shannon>) and the Court's website (<http://www.deb.uscourts.gov/ecourt-appearances>) for information on the method of allowed participation (video or audio), Judge Shannon's expectations of remote participants, and the advance registration requirements.

Registration is required by 4:00 p.m. (ET) the business day before the hearing, unless otherwise noticed, using the eCourt Appearances tool available on the Court's website (<https://ecf.deb.uscourts.gov/cgi-bin/nysbAppearances.pl>).

MATTER GOING FORWARD

1. Debtor's Motion for Entry of Orders (I)(A) Approving Bidding Procedures for the Sale of Substantially All of the Debtor's Assets, (B) Designating the Stalking Horse Bidder, (C) Scheduling an Auction and Approving the Form and Manner of Notice Thereof, (D) Approving Assumption and Assignment Procedures, (E) Scheduling a Sale Hearing and Approving the Form and Manner of Notice Thereof and (F) Granting Related Relief; and (II)(A) Approving the Sale of the Debtor's Assets Free and Clear of Liens, Claims, Interests, and Encumbrances, (B) Approving the Assumption and Assignment of Certain Executory Contracts and Unexpired Leases, and (C) Granting Related Relief [[Docket No. 56](#); Filed 1/6/25]

¹ The last four digits of Biora Therapeutics, Inc.'s federal tax identification number are 0390. Biora Therapeutics, Inc.'s service address is 10070 Carroll Canyon Road, Suite 100, San Diego, CA 92131.

Related Documents:

- (a) Declaration of Daun Chung in Support of the Debtor's Motion for Entry of Orders (I)(A) Approving Bidding Procedures for the Sale of Substantially All of the Debtor's Assets, (B) Designating the Stalking Horse Bidder, (C) Scheduling an Auction and Approving the Form and Manner of Notice Thereof, (D) Approving Assumption and Assignment Procedures, (E) Scheduling a Sale Hearing and Approving the Form and Manner of Notice Thereof, and (F) Granting Related Relief; and (II)(A) Approving the Sale of the Debtor's Assets Free and Clear of Liens, Claims, Interests, and Encumbrances, (B) Approving the Assumption and Assignment of Certain Executory Contracts and Unexpired Leases, and (C) Granting Related Relief [[Docket No. 57](#); Filed 1/6/25]
- (b) Notice of Filing of Stalking Horse Asset Purchase Agreement [[Docket No. 73](#); Filed 1/17/25]
- (c) Notice of Filing of Sale Order [[Docket No. 74](#); Filed 1/20/25]
- (d) Certification of Counsel Regarding Debtor's Motion for Entry of Orders (I)(A) Approving Bidding Procedures for the Sale of Substantially All of the Debtor's Assets, (B) Designating the Stalking Horse Bidder, (C) Scheduling an Auction and Approving the Form and Manner of Notice Thereof, (D) Approving Assumption and Assignment Procedures, (E) Scheduling a Sale Hearing and Approving the Form and Manner of Notice Thereof and (F) Granting Related Relief; and (II)(A) Approving the Sale of the Debtor's Assets Free and Clear of Liens, Claims, Interests, and Encumbrances, (B) Approving the Assumption and Assignment of Certain Executory Contracts and Unexpired Leases, and (C) Granting Related Relief [[Docket No. 94](#); Filed 1/23/25]
- (e) Order (A) Approving Bidding Procedures for the Sale of Substantially All of the Debtor's Assets, (B) Designating the Stalking Horse Bidder, (C) Scheduling an Auction and Approving the Form and Manner of Notice Thereof, (D) Approving Assumption and Assignment Procedures, (E) Scheduling a Sale Hearing and Approving the Form and Manner of Notice Thereof and (F) Granting Related Relief [[Docket No. 117](#); Entered 1/27/25]
- (f) Notice of Sale, Bidding Procedures, Auction, Sale Hearing and Other Deadlines Related Thereto [[Docket No. 120](#); Filed 1/30/25]
- (g) Notice of Cure Costs and Potential Assumption and Assignment of Executory Contracts and Unexpired Leases in Connection with Sale of Substantially All Assets [[Docket No. 125](#); Filed 1/31/25]

- (h) Notice of Successful Bidder and Cancellation of Auction [[Docket No. 142](#); Filed 2/18/25]

Responses Received:

- (a) Aetna, Inc.'s: (1) Limited Objection to Cure Amounts Set Forth in the Notice of Cure Costs and Potential Assumption and Assignment of Executory Contracts and Unexpired Leases in Connection with Sale of Substantially All Assets (Docket No. 125); (2) Request for Adequate Assurance of Future Performance; and (3) Reservation of Rights [[Docket No. 134](#); Filed 2/11/25]
- (b) Oracle's Limited Objection to and Reservation of Rights Regarding Debtors' Sale Motion and Related Notice of Cure Costs and Potential Assumption and Assignment of Executory Contracts and Unexpired Leases in Connection with Sale of Substantially All Assets [[Docket No. 139](#); Filed 2/13/25]

Objection Deadline: February 13, 2025 at 4:00 p.m. (ET).

Status: This matter is going forward. The Debtor will file an amendment to the proposed stalking horse asset purchase agreement and an amended proposed sale order prior to hearing.

[Remainder of Page Intentionally Left Blank]

Dated: February 21, 2025
Wilmington, Delaware

/s/ David R. Hurst

David R. Hurst (I.D. No. 3743)
Andrew A. Mark (I.D. No. 6861)
MCDERMOTT WILL & EMERY LLP
1000 N. West Street, Suite 1400
Wilmington, Delaware 19801
Telephone: (302) 485-3900
Facsimile: (302) 351-8711
Email: dhurst@mwe.com
amark@mwe.com

-and-

Jonathan I. Levine (admitted *pro hac vice*)
Lucas B. Barrett (admitted *pro hac vice*)
MCDERMOTT WILL & EMERY LLP
One Vanderbilt Avenue
New York, New York 10017
Telephone: (212) 547-5400
Facsimile: (212) 547-5444
Email: jlevine@mwe.com
lbarrett@mwe.com

-and-

Bradley Thomas Giordano (admitted *pro hac vice*)
Carmen Dingman (admitted *pro hac vice*)
MCDERMOTT WILL & EMERY LLP
444 West Lake Street, Suite 4000
Chicago, Illinois 60606-0029
Telephone: (312) 372-2000
Facsimile: (312) 984-7700
Email: bgiordano@mwe.com
cdingman@mwe.com

Counsel to the Debtor and Debtor in Possession